

Reasons for Requesting Review:

Neither US Patent Application Publication No. 2003/0065805 to Barnes nor US Patent Application Publication No. 2002/0062236 to Murashita et al. is receiving "request information indicating a request for providing a service, the request being sent by a customer," as recited in, for example, claim 2. Barnes, rather, receives user *input* about a target point of interest, as noted in the final Office Action at the top of page 3, instead of receiving "a request for providing a service, the request being sent by a customer," as recited in, for example, claim 2. In particular, as described at paragraph [0155]:

Steps for performing this example application are shown in FIG. 4 and include determining a target point of interest (PI) at step 301, determining the available PIs at step 305, determining the closest PI at step 310. In this example, the application also optionally includes the steps of receiving a user input at step 315, communicating with the PI (e.g., based on the user input) at step 320, and informing the user of the results of the communication at step 325.

The device 101 of Barnes, moreover, enters into a commercial exchange on *behalf* of the user to purchase a product, instead of receiving "a request for providing a service, the request being sent by a customer," as recited in, for example, claim 2. In particular, as described at paragraph [0156]:

In addition, after determining the point of interest (in any of the applications), the device 101 can optionally enter into a commercial exchange on behalf of the user, for example, to purchase a product (e.g., step 320).

Finally, the user can instruct the device 101 to *transmit* a request for other vendor information, as also noted in the final Office Action at the top of page 3, instead of receiving "a request for providing a service, the request being sent by a customer," as recited in, for example, claim 2. In particular, as described at paragraph [0277]:

The user can also instruct the device 101 (e.g. by a voice input) to transmit a request for other vender information from a remote computer system (which may or may not be the vender computer system), prior to arriving at a vender location.

Neither Barnes nor Murashita is obtaining "a current position of the customer who sent the request," as recited in, for example, claim 2. Barnes, rather, monitors the location of the user carrying the device in order to *notify* the user of being in a location that the *user* should not enter, not "a current position of the customer who sent the request," as recited in, for example, claim 2. In particular, as described at paragraph [0316]:

In addition, the device 101 may be programmed to monitor the location of the user carrying the device, which may include what facilities the user enters, the address(es) visited, what venders the user visits, etc. The location may then be periodically transmitted to a remote computer system or a location notification can be transmitted to a remote destination if the user enters a restricted location (a location defined by the authorized user as being a location that the user should

not enter and/or a notification transmitted).

The user information supplied in Barnes, moreover, is *demographic* data, not "a current position of the customer who sent the request," as recited in, for example, claim 2. Barnes has no reason to monitor the current position of the user, contrary to the assertion at the bottom of page 19 of the final Office Action. In particular, as described at paragraph [0212]:

In addition, the ECCS transmits a request and, in response, receives user information from devices carried by persons entering the facility, area, or event. The requested and supplied user information may include demographical data or any other desirable information.

Neither Barnes nor Murashita is obtaining "service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request," as recited in, for example, claim 2. Barnes, rather, transmits availability information along with the price, *after* the price is retrieved or otherwise determined, not "based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request," as recited in, for example, claim 2. In particular, as described at paragraph [0188]:

After the price is retrieved or otherwise determined, the price is transmitted to the device, preferably in XML format, to determine whether the vender satisfies the selection criteria at step 365. Other data may also be transmitted such as availability, location data for the vender, taxes on purchase of the product, delivery charges for the product, available times for delivery or receipt (e.g., pick up) of the product, etc.

The device 101 of Barnes, moreover, *transmits* product identifying information, which may include a product number, name, model, quantity, size, color, duration, dates, and/or other product information, instead of obtaining "service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request," as recited in, for example, claim 2. In particular, as described at paragraph [0192]:

In response, the device 101 communicates with vender at step 375 using the determined communication parameters and transmits a request to purchase the desired product. Thus, the device 101 transmits product identifying information, which may include a product number, name, model, quantity, size, color, duration (e.g., in the event of a rental), dates (in the case of travel tickets or reservations), and/or other product information.

The device 101 of Barnes, moreover, finds a *product* within a vendor location within a shopping mall, instead of obtaining "service availability information based on an amount of

service available at a provision position of the service," as recited in, for example, claim 2. In particular, as described at paragraph [0275]:

The device 101 also includes software for finding a product within a vender location within a shopping mall. To do so, the device 101 transmits a request for the product or vender to the ACS (or other remote computer with access to the information) and receives a response with the requested information if the vender or product is present.

Neither Barnes nor Murashita is storing "area information that defines a service area around the provision position of the service determined according to the service availability information," as recited in, for example, claim 2. The database in Barnes, rather, only holds data of the available *points* of interest in the given area, not "area information that defines a service area around the provision position of the service determined according to the service availability information," as recited in, for example, claim 2. In particular, as described at paragraph [0162]:

Determining the closest point of interest in the preferred embodiment is accomplished by retrieving data of the available points of interest in the given area from a database at step 305.

Barnes, moreover, determines the distance *to* the available points of interests meeting the criteria and selects the available point of interest meeting the criteria with the smallest distance, instead of a defining "a service area around the provision position of the service determined according to the service availability information," as recited in, for example, claim 2. In particular, as described at paragraph [0164]:

After the available points of interests meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined at step 310. This step preferably includes determining the distance (e.g., by traveling the streets and thoroughfares) to the available points of interests meeting the criteria and selecting the available point of interest meeting the criteria with the smallest distance.

Barnes, finally, stores data based on the location of the *user*, instead of "area information that defines a service area around the provision position of the service determined according to the service availability information," as recited in, for example, claim 2. In particular, as described at paragraph [0141]:

Thus, where the data management module 120 stores the data is also dependent on data storage rules that may include user or manufactured stored rules based on data type, the location of the user, the direction the user is going, anticipation that the user will be at location at a later time (e.g., that the user will be out of transmission range a few minutes hence), recent activities of the user, an external event (e.g., turning off the automobile engine), the intended destination of the user, the source of the data, the time of day, the day of the week, the purpose of the data, and/or other factors.

Neither Barnes nor Murashita is determining "whether the customer that sent the request is within the service area based on the current position of the customer and the area information," as recited in, for example, claim 2. The commerce module 135 of Barnes, rather, executes a commercial transaction on *behalf* of the user, and transmits the information as part of a transaction request to the user's account institution card or an acquirer, instead of determining "whether the customer that sent the request is within the service area based on the current position of the customer and the area information," as recited in, for example, claim 2. In particular, as described at paragraph [0136]:

In one example embodiment, when the commerce module 135 executes a commercial transaction, payment information is transmitted to a remote computer system (e.g., the vender's computer system). The remote computer system transmits this information as part of a transaction request to the user's account institution card (e.g., the user's bank) or an acquirer (e.g., in the case of a credit card).

Barnes, in fact, has no interest in "whether the customer that sent the request is within the service area based on the current position of the customer and the area information" as recited in, for example, claim 2, since Barnes is identifying services *for* the user such as vendors meeting selection criteria like location, as described in the Abstract.

Neither Barnes nor Murashita is accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in, for example, claim 2. In Barnes, rather, the user already *has* a reservation with a hotel. The device 101 in Barnes checks the user, who already *has* a reservation, into a hotel if the user is within the predetermined distance of the hotel, instead of accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in, for example, claim 2. In particular, as described at paragraph [0196]:

Alternately, the user may already have a reservation with a hotel in which case the user preferably has previously input the destination to the device 101 and when the user (and device 101) is within the predetermined distance of the destination hotel, the device 101 automatically (or after prompting the user for permission to check in) checks the user into the hotel as described below.

The final Office Action asserts in the first full paragraph at page 22, that:

However, the user already having a reservation is an alternative embodiment.

Even if the user already having a reservation were an alternative embodiment, however, that would only mean that the device 101 would automatically (or after prompting the user for

permission to check in) check the user into the hotel once the device 101 was within the predetermined distance of the destination hotel, which still does not amount to accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in, for example, claim 2. Nor would making a device that automatically checked a user into a hotel the minute the user was within a predetermined distance of the hotel, regardless of whether the user had a reservation at the hotel, be a strong selling feature.

The final Office Action asserts further in the first full paragraph at page 22, that:

In [0195], Barnes teaches that in response to a user request, the closest hotels that meet criteria are presented. The user then selects a hotel to request further information or purchase a room rental.

A *user* selecting a hotel to request further information or purchase or rental, however, still does not amount to accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in, for example, claim 2.

Finally, the final Office Action asserts in the first full paragraph at page 22, that

In this case, the invalidation of a hotel reservation by a customer being outside an area around the hotel is suggested since the closest three hotels are presented for the customer to choose from in order to make a reservation.

Invalidation of a hotel reservation by a customer being outside an area around the hotel, even if it were suggested, would still not amount to accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in, for example, claim 2.

Marushita, for its part, is only notifying a user of a service and reservation situation of a store-near the user or the start/end time of the service, and the time to be taken for the service and can suggest an alternative event in a time zone convenient to the user, as described in the Abstract, and thus cannot make up for the deficiencies of Barnes with respect to claim 2.

Claims 3-6 and 10 ought to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 2.